

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

ISEBERG et al.

Serial No.: 10/622,224

Confirmation No.: 4645

Filed: July 18, 2003

For: HIGH FIDELITY INSERT  
EARPHONES AND METHODS  
OF MAKING SAME

Examiner: Huyen D. Le

Group Art Unit: 2615

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I hereby certify that this correspondence is being transmitted electronically to the U.S. Patent and Trademark Office via EFS on:

July 6, 2007

/s/ Jonathan M. Rushman  
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STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sirs:

Applicants submit this Statement Of The Substance Of The Interview in connection with the interview that was conducted on June 7, 2007. This submission is timely as it is being submitted within one month of the interview date.

## **REMARKS**

Claims 59-73 and 75 are currently pending in this application. Applicants previously cancelled claim 74, but reserved the right to re-file the claim in a later application.

### **The November 3, 2006 Office Action**

Claims 59, 67-68, 73 and 75 were rejected under 35 USC § 102 as being anticipated by Kelsey (USP 2,430,229). Claims 59-73 and 75 were rejected under 35 USC § 103 as being obvious in light of varying combinations of Miyahra (USP 4,447,677), Killion (USP 4,677,679) and Kelsey (USP 2,430,229).

### **The May 3, 2007 Response**

Applicants submitted that the pending claims were allowable because, among other things, none of the cited references, whether taken alone or in combination, teach or suggest an "insert earphone providing a high fidelity response without requiring a long flexible tube between the hollow tubular portion of the housing and the resilient sealing member" as recited in independent claim 59.

### **The June 7, 2007 Interview**

Applicants met with Examiner Le and discussed the Kelsey, Killion and Miyahra references. Applicants provided examples of hearing aids available at the time of the Kelsey and Killion references. Applicants submitted that the Kelsey and Miyahra references did not teach insert earphones that provide a high fidelity response. Applicants also submitted that the pending claims were allowable because, among other things, none of the cited references, whether taken alone or in combination, teach or suggest an "insert earphone providing a high fidelity response without requiring a long flexible tube between the hollow tubular portion of the housing and the resilient sealing member" as recited in independent claim 59. The Applicants and Examiner Le also discussed the potential for additional claims.

Dated: July 6, 2007

Respectfully submitted,

/s/ Jonathan M. Rushman

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